

11054 U.S. PTO
03/08/01

CERTIFICATE OF EXPRESS MAIL	
NUMBER	<u>EL 392 859825 US</u>
DATE OF DEPOSIT	<u>3/8/01</u>
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Washington, D.C. 20231.	
<u>Mana L. Alroy</u> Signature	

11046 U.S. PTO
09/801883
03/08/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of:
U.S. Patent No. 5,464,551

Att'y. Dkt. No.: 12598.0131.CNUS00

Issued: November 7, 1995

Prior Application Examiner:
C. Skane

Filed: Herewith

Classification Designation:

For: STABILIZED PHOSPHATE ESTER-
BASED FUNCTIONAL FLUID COMPOSITIONS

BOX PATENT APPLICATION
Commissioner for Patents
Washington, D.C. 20231

Prior Group Art Unit: 1751

REQUEST FOR FILING CONTINUATION OF REISSUE APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a request for filing a continuation application under Rule 53(b) (37 C.F.R. § 1.53(b)) of co-pending prior application Serial No. 08/966,425 filed November 7, 1997, entitled "Stabilized Phosphate Ester-Based Functional Fluid Compositions."

- ☒ 1. Enclosed is a copy of the prior application Serial No. 08/966,425 as originally filed, including:
- a) Transmittal Sheet entitled "Application of Gerbrand Deetman for Reissue of U.S. Patent No. 5,464,551";

- b) Assignees Assent to Filing Reissue Pursuant to 37 C.F.R. 1.172 and Offer to Surrender Original Letters Patent Pursuant to 37 C.F.R. 1.178;
- c) Declaration and Power of Attorney of Gerbrand Deetman;
- d) Declaration of Wendell W. Brooks;
- e) Declaration of Kenneth D. Goetz;
- f) Reissue application papers comprising mounted specification and original claims 1-89, 13 Formal Drawings and broader reissue claims 90-104;
- g) Soft copy of U.S. Patent No. 5,464,551; and
- h) Certified Title Report.

The undersigned hereby verifies that the attached papers are a true copy of the prior application as originally filed and identified above, that no amendments (if any) referred to in the declaration filed to complete the prior application introduced new matter therein, and further that this statement was made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issuing thereon.

- (a) ☒ The inventorship is the same as prior Application Serial No. 08/966,425.
- (b) ☐ Deletion of inventor(s). Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. § 1.63(d)(2) and 1.33(b).

(c) ☐ Priority of foreign patent application number _____, filed _____ in _____
is claimed under 35 U.S.C. § 119(a)-(e). The certified copy:

☐ is enclosed.

☐ has been filed in the prior Application Serial No. _____.

☐ 2. The Commissioner is requested to grant Applicant a filing date in accordance with Rule 1.53, and supply Applicant with a Notice of Missing Parts in due course, in accordance with the provisions of Rule 1.53(f).

☐ 3. Enclosed is a check in the amount of _____ to cover the filing fee as calculated below and the fee for any new claims added in the Preliminary Amendment referred to in Part No. 9 below.

CLAIMS AS FILED IN THE PRIOR APPLICATION
LESS CLAIMS CANCELED BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee -----				\$710.00
Total Claims	- 20 =	X	\$18.00 =	
Independent Claims	- 3 =	X	\$80.00 =	
Multiple Dependent Claim(s) -----				\$-0-

TOTAL FILING FEES:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
-----	-----------------	-----------------	------	-----

☐ 4. Applicant is entitled to Small Entity Status for this application.

☐ (a) A small entity statement is enclosed.

- ☐ (b) A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- ☐ (c) Small entity status is no longer claimed.
- ☒ 5. The Commissioner is hereby authorized to charge any fees under 37 C.F.C. §§ 1.16 to 1.21 which may be required for any reason relating to this application, or credit any overpayment to Arnold White Durkee Deposit Account No. 01-2508/12598.0131.CNUS00.
- ☒ 6. Enclosed is a copy of the current Power of Attorney in the prior application.
- ☒ 7. Address all future communications to:
- Craig M. Lundell, Esq.
HOWREY SIMON ARNOLD & WHITE, LLP
750 Bering Drive
Houston, Texas 77057-2198
(713) 787-1400
- ☒ 8. The prior application is presently assigned to Solutia Inc..
- ☐ 9. Enclosed is a preliminary amendment.
- ☒ 10. Cancel in this application claims 2-89 of the prior application before calculating the filing fee. (At least one original independent claim must be retained).
- ☐ 11. Amend the specification by inserting before the first line the sentence: --This is a continuation of co-pending application Serial No. 08/966,425 filed November 7, 1997 --.
- ☐ 12. Enclosed are formal drawings.
- ☐ 13. An Information Disclosure Statement (IDS) is enclosed.
- ☐ (a) PTO-1449.
- ☐ (b) Copies of IDS citations.

- ☒ 15. Other: Petition to Not Merge Reissue Proceedings
- ☒ 16. Return Receipt Postcard (should be specifically itemized).

Respectfully submitted,

Craig M. Lundell

Craig M. Lundell
Reg. No. Reg. No. 30,284
Attorney for Applicant

**HOWREY SIMON ARNOLD & WHITE,
LLP**
750 Bering Drive
Houston, Texas 77057-2198

Date: March 8, 2001